

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROGELIO E HOLDER,	}	
	}	
Plaintiff,	}	
VS.	}	CIVIL ACTION NO. H-07-2223
	}	
MICHAEL CHERTOFF, <i>et al</i> ,	}	
	}	
Defendants.	}	

OPINION & ORDER

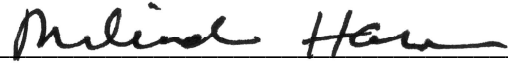
Pending before the Court is Defendant Michael Chertoff's ("the Government") Motion to Dismiss (Doc. 10). For the reasons explained below, the Court GRANTS the motion.

Plaintiff Rogelio Holder ("Holder") was detained upon his re-entry into the United States by the United States Department of Homeland Security, Immigration and Customs Enforcement ("ICE"). After removal proceedings, ICE deported Holder to the country of his original citizenship, Panama. Holder brought the instant action as a writ of habeas corpus during his detention while he appealed removal proceedings.

The Government argues that the Court lacks subject matter jurisdiction and the action should be dismissed under Fed. R. Civ. P. 12(b)(1) because the issues raised are moot. Federal courts only have subject matter jurisdictions over cases and controversies under Article III of the Constitution. If subsequent developments render the action moot, the Court will no longer have jurisdiction. *See e.g., Sannon v. United States*, 631 F.2d 1247, 1250 (5th Cir. 1980). The government no longer detains Holder, so his write of habeas corpus no longer presents any controversy. Holder's claim requested only "declaratory and injunctive relief to review the lawfulness of his detention." Thus, as his claim is now moot, the Court lacks subject matter jurisdiction.

Accordingly, it is hereby ORDERED that the instant action is DISMISSED
WITH PREJUDICE.

SIGNED at Houston, Texas, this 3rd day of June, 2009.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE